

McELROY, DEUTSCH, MULVANEY, & CARPENTER, LLP

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Attorneys for Third-Party Defendant,

Liberty Heritage Associates, Inc.

ORIGINAL

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

GENERAL CAPITAL PARTNERS, LLC,

Plaintiff,

v.

**LIBERTY RIDGE, LLC (f/k/a AMERICAN
HERITAGE COMMUNITIES/LIBERTY
VILLAGE, LLC),**

Defendant/Third-Party Plaintiff,

v.

**LIBERTY HERITAGE ASSOCIATES,
INC.**

Third-Party Defendant.

**: CIVIL ACTION
: FILE NO. 1:07-CV-4089 (RJS/DFE)**

ECF CASE

**NOTICE OF MOTION FOR
ADMISSION OF
JOHN P. LEONARD, ESQ.
PRO HAC VICE**

PLEASE TAKE NOTICE that pursuant to Rule 1.3(c) of the Local Rules of the United

States District Courts for the Southern and Eastern Districts of New York, I, Brian J. Carey, Esq.,

a member in good standing of the bar of this Court, hereby moves for an Order allowing the

admission *pro hac vice* of:

John P. Leonard, Esq.

McElroy, Deutsch, Mulvaney & Carpenter, LLP

1300 Mount Kemble Avenue

P.O. Box 2075

Morristown, New Jersey 07962-2075

JAN 10 2008

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Telephone: (973) 993-8100
Facsimile: (973) 425-0161
E-Mail: jleonard@mdmc-law.com

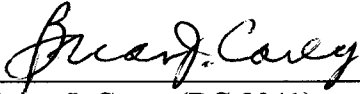
John P. Leonard is a member in good standing of the Bar of the State of New Jersey.

There are no pending disciplinary proceedings against John P. Leonard in any State or Federal Court.

In support of this motion, annexed hereto is an Affidavit of Brian J. Carey, Esq., sworn to on the 10th day of January, 2008. No brief is necessary in support of this motion since it raises no issue of law and the relief sought is wholly within the Court's discretion.

PLEASE TAKE FURTHER NOTICE that the undersigned requests waiver of oral argument and submission of this motion pursuant to Rule 78 of the Federal Rules of Civil Procedure.

Dated: New York, New York
January 10 2008

By: 
Brian J. Carey (BC 8041)
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& Carpenter, LLP
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Liberty Heritage Associates, Inc.
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New York, New York 10005
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E-Mail: bjcarey@mdmc-law.com

TO: Via E-Mail and Regular Mail
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Via E-Mail and Regular Mail
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Via E-Mail and Regular Mail
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**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

GENERAL CAPITAL PARTNERS, LLC,	:	
	:	CIVIL ACTION
Plaintiff,	:	FILE NO. 1:07-CV-4089 (RJS/DFE)
	:	
v.	:	
	:	ECF CASE
LIBERTY RIDGE, LLC (f/k/a AMERICAN	:	
HERITAGE COMMUNITIES/LIBERTY	:	AFFIDAVIT OF
VILLAGE, LLC),	:	BRIAN J. CAREY, ESQ.
	:	IN SUPPORT OF MOTION FOR
Defendant/Third-Party Plaintiff	:	ADMISSION PRO HAC VICE
	:	
v.	:	
	:	
LIBERTY HERITAGE ASSOCIATES,	:	
INC.	:	
	:	
Third-Party Defendant.	:	

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

Brian J. Carey, being duly sworn, deposes and says:

1. I am a member in good standing of the bar of this Court. I am associated with the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, counsel for Third-Party Defendant, Liberty Heritage Associates, Inc. in this matter.

2. I make this certification in support of Plaintiffs' application for an Order allowing John P. Leonard, Esq., a member of the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, to appear and participate *pro hac vice* in the above-captioned matter, pursuant to Local Civil Rule 1.3(c) United States District Court for the Southern District of New York.

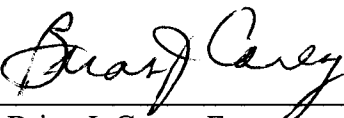
3. Mr. Leonard is a member in good standing with the Supreme Court of New Jersey, as well as the United States District Court, District of New Jersey, before which Courts Mr. Leonard was admitted to practice in 1990. He has been admitted and has appeared *pro hac vice* in the United States District Court, Southern District of New York on several occasions, in connection with unrelated litigation.

4. A Certificate of Good Standing issued by the Supreme Court of the State of New Jersey on December 21, 2007, evidencing Mr. Leonard's good standing before the Bar of the State of New Jersey is attached hereto as Exhibit A.

5. The law firm of McElroy, Deutsch & Mulvaney has been retained as local counsel in the above-captioned matter. Mr. Leonard is an attorney resident in our Morristown, New Jersey offices, who has expertise in the areas of complex commercial litigation and is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: New York, New York
January 10, 2008


Brian J. Carey, Esq.

Sworn to before me this
10th day of January, 2008

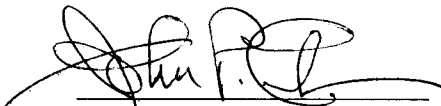

Notary Public
JOHN P. LEONARD
NOTARY PUBLIC, State of New York
No. 10141022A
1031793-1
COMMISSION EXPIRES 07/13/2009

EXHIBIT A

Supreme Court of New Jersey

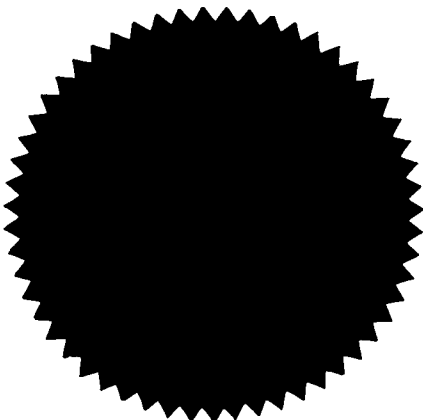


Certificate of Good Standing

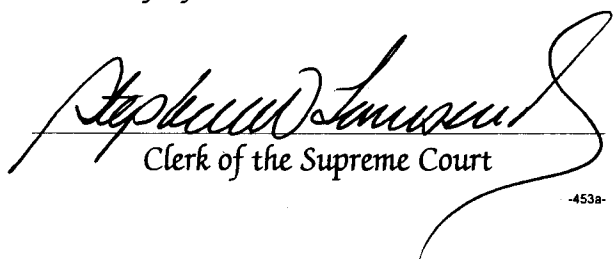
This is to certify that **JOHN P LEONARD**
(No. **008181991**) was constituted and appointed an Attorney at Law of New
Jersey on **June 06, 1991** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
21ST day of December , 20 07


Clerk of the Supreme Court

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Attorneys for Third-Party Defendant,

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**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

GENERAL CAPITAL PARTNERS, LLC,	:	
	:	CIVIL ACTION
Plaintiff,	:	FILE NO. 1:07-CV-4089 (RJS/DFE)
	:	
v.	:	
	:	ECF CASE
LIBERTY RIDGE, LLC (f/k/a AMERICAN	:	
HERITAGE COMMUNITIES/LIBERTY	:	
VILLAGE, LLC),	:	ORDER GRANTING ADMISSION
	:	OF JOHN P. LEONARD, ESQ.
Defendant/Third-Party Plaintiff,	:	PRO HAC VICE
	:	
v.	:	
	:	
LIBERTY HERITAGE ASSOCIATES,	:	
INC.	:	
	:	
Third-Party Defendant.	:	

Upon consideration of the motion for the admission *pro hac vice* of John P. Leonard, it is on this 10th day of January, 2008

ORDERED that said motion be, and it is hereby, GRANTED and John P. Leonard shall be admitted to the bar of this Court *pro hac vice*, for the limited purpose of participating in the captioned action.

IT IS FURTHER ORDERED that all attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this

action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov.

Dated: New York, New York
January 10, 2008

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Attorneys for Third-Party Defendant,

Liberty Heritage Associates, Inc.

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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	:	
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LIBERTY RIDGE, LLC (f/k/a AMERICAN	:	
HERITAGE COMMUNITIES/LIBERTY	:	
VILLAGE, LLC),	:	CERTIFICATE OF SERVICE
	:	
Defendant/Third-Party Plaintiff,	:	
	:	
v.	:	
	:	
LIBERTY HERITAGE ASSOCIATES,	:	
INC.	:	
	:	
Third-Party Defendant.	:	

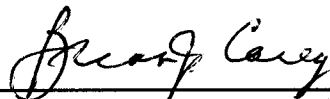
Brian J. Carey, Esq., an attorney duly admitted to practice in the United States District Court, Southern District of New York, hereby certifies pursuant to Fed. R. Civ. P. 5 that on January 10, 2008 I arranged for service via regular mail with the United States Post Office in New York, and via e-mail, a copy of the within Notice of Motion for Admission *Pro Hac Vice* of John P. Leonard and supporting papers upon the attorneys listed below at the addresses provided for service as follows:

TO: Christopher J. Giaimo, Esq.
ARENT FOX LLP
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E-Mail: pbrodell@williamsmullen.com
E-Mail: stowell@williamsmullen.com

Dated: New York, New York
January 10, 2008



BRIAN J. CAREY (BC 8041)